

# COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE ALHAMBRA, CALIFORNIA 91803-1331

http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO: P.O. BOX 1460 ALHAMBRA, CALIFORNIA 91802-1460

**ADOPTED** 

BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

35 of November 12, 2014

SACHI A HAMAI EXECUTIVE OFFICER

November 12, 2014

The Honorable Board of Supervisors County of Los Angeles 383 Kenneth Hahn Hall of Administration 500 West Temple Street Los Angeles, California 90012

**Dear Supervisors:** 

DELEGATE AUTHORITY TO ENTER INTO AN AGREEMENT
WITH THE CITY OF LOS ANGELES FOR MAINTENANCE OF THE
LOW-FLOW DIVERSION ON PROJECT NO. 481, LINE B, ECHO PARK LAKE
(SUPERVISORIAL DISTRICT 1)
(3 VOTES)

#### **SUBJECT**

This action is to authorize the Chief Engineer of the Los Angeles County Flood Control District or her designee to enter into an agreement with the City of Los Angeles for maintenance of the Echo Park Lake Rehabilitation Project Low-Flow Diversion Structure on the Los Angeles County Flood Control District Project No. 481, Line B.

## IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Acting as a responsible agency for the Echo Park Lake Rehabilitation Project, consider the Final Environmental Impact Report prepared and certified by the City of Los Angeles as the lead agency for the project; certify that the Board has independently considered and reached its own conclusions regarding the environmental effects of the project as shown in the Final Environmental Impact Report; adopt the Mitigation Monitoring Program, finding that the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation; find that there are no further feasible alternatives or feasible mitigation measures within the Board's power that would substantially lessen or avoid any significant effect the project would have on the environment; and determine that the significant adverse effects of the project have either been reduced to an acceptable level or are outweighed by the specific considerations of the project, as outlined in the City's environmental findings of fact and statement of overriding considerations, which findings and statement are adopted and incorporated herein by reference.

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- 2. Authorize the Chief Engineer of the Los Angeles County Flood Control District or her designee to enter into an agreement with the City of Los Angeles for maintenance of the Echo Park Lake Rehabilitation Project Low-Flow Diversion Structure on the Los Angeles County Flood Control District Project No. 481, Line B, and to take all steps necessary to implement the agreement.
- 3. Authorize the Chief Engineer of the Los Angeles County Flood Control District or her designee to accept the Diversion Structure, as part of Los Angeles County Flood Control District's Flood Control System, and to assume maintenance responsibility for the Diversion Structure and manhole.

#### PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On September 20, 2011, the Los Angeles County Flood Control District (LACFCD) issued Flood Permit No. 181-59.032 to the City of Los Angeles to construct a Low-Flow Diversion structure in an existing LACFCD storm drain, Project No. 481, Line B, as part of the City's Echo Park Rehabilitation Project to divert incoming urban and low-flow runoff to the City's sanitary sewer system for treatment to remove the pollutants within the runoff. The purpose of the recommended action is to authorize the Chief Engineer of the LACFCD or her designee to execute, on behalf of the LACFCD, an agreement substantially similar to the enclosed with the City for maintenance of Low-Flow Diversion.

The agreement will memorialize the maintenance responsibilities of both the LACFCD and the City for the Low-Flow Diversion. The agreement provides for the LACFCD to accept transfer of the Low-Flow Diversion as part of the LACFCD's Flood Control System, and to maintain the Low-Flow Diversion with the exception of the diversion weir located within the Low-Flow Diversion. The agreement stipulates that the City will maintain the diversion weir, including removal of sediment, debris, or trash that accumulates in the storm drain and the Low-Flow Diversion as a result of the diversion weir, at the sole cost to the City.

#### Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness/Fiscal Sustainability (Goal 1) and Integrated Services Delivery (Goal 3) by utilizing a collaborative approach with the City toward enhancing water quality, thereby, improving the quality of life for the citizens of the County of Los Angeles.

#### FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund. Since the City agrees to accept and perform the maintenance responsibility for the diversion weir, there will be a minimum impact to the LACFCD Fund for inspection costs performed by Public Works' staff. Funding will be requested through the annual budgeting process.

#### FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The enclosed agreement has been approved as to form by County Counsel.

#### **ENVIRONMENTAL DOCUMENTATION**

By entering into the agreement, the LACFCD is acting as a responsible agency for the Echo Park

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Rehabilitation Project. On December 7, 2010, the City, as lead agency under the California Environmental Quality Act, certified a Final Environmental Impact Report and adopted the California Environmental Quality Act findings and a statement of overriding considerations for the Echo Park Rehabilitation Project.

#### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

There will be no negative impact on current services.

#### **CONCLUSION**

Please return an adopted copy of this letter to Public Works, Watershed Management Division. After final approval by the Chief Engineer of the LACFCD, the fully executed original of the agreement will be provided for your files.

Respectfully submitted,

**GAIL FARBER** 

Director

GF:TMG:sw

**Enclosures** 

c: Chief Executive Office (Rita Robinson)

Hail Farher

County Counsel Executive Office

#### **AGREEMENT**

This Agreement is entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the

CITY OF LOS ANGELES,

a municipal corporation, acting by and through the Board of Public Works Commissioners.

hereinafter referred to as CITY

and

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic,

hereinafter referred to as LACFCD

(collectively referred to herein as the PARTIES or individually as PARTY).

#### **RECITALS**

WHEREAS, LACFCD operates and maintains a storm drain, which outlets into the north eastern section of Echo Park Lake, located in the City of Los Angeles, hereinafter referred to as Project 481, Line B, as shown in Exhibit A to this AGREEMENT; and

WHEREAS, CITY has constructed a diversion structure, hereinafter referred to as Diversion Structure, in LACFCD'S Project No. 481, Line B, and an 18-inch reinforced concrete pipe storm drain diversion line, hereinafter referred to as Diversion Line, as part of CITY'S Echo Park Lake Rehabilitation Project (hereinafter referred to as PROJECT), to treat a portion of the incoming runoff water; and

WHEREAS, PROJECT is entirely within the jurisdictional limits of CITY; and

WHEREAS, CITY desires that LACFCD accept the Diversion Structure as part of LACFCD'S flood control system; and

WHEREAS, the Diversion Structure includes a diversion weir, hereinafter referred to as Diversion Weir, and a manhole; and

WHEREAS, PARTIES desire to share in the responsibilities for maintaining the Diversion Structure, Diversion Weir, and manhole as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, CITY and LACFCD hereto mutually agree as follows:

#### (1) CITY AGREES:

- a. To obtain a construction permit from LACFCD, and comply with all conditions of said permit, for the construction of Diversion Structure.
- b. To construct Diversion Structure, as shown on Exhibit A, in conformance with LACFCD established standards.
- c. To accept and perform the maintenance responsibilities for the Diversion Weir, which includes removal of sediment, debris, or trash that accumulates in the Diversion Structure and in the first 270 feet of LACFCD'S storm drain Project No. 481, Line B, upstream of the Diversion Weir, as a result of the Diversion Weir. (See Exhibit B).
- d. To allow LACFCD to inspect the Diversion Structure before acceptance by LACFCD as part of LACFCD'S Flood Control System.
- e. To indemnify, defend, and hold LACFCD and County of Los Angeles, and their officers, employees, agents, and contractors, harmless from and against any claims, demands, liability, damages, or costs arising from or caused by the breach of any of CITY'S obligations under this AGREEMENT, or the Diversion Structure (including the Diversion Weir and manhole), except to the extent that such claim, demand, liability, damage, or cost arises from or is caused by the negligent or wrongful act or omission of LACFCD or County of Los Angeles or any of its officers, employees, agents, or contractors.

#### (2) LACFCD AGREES:

- a. To review and comment on project plans and construction permit submittals.
- b. To issue the construction permit after all comments have been addressed.
- c. After its inspection and approval of the construction, to accept the Diversion Structure, as part of LACFCD'S Flood Control System, and to assume maintenance responsibility for Diversion Structure and manhole, but excluding the Diversion Weir and other CITY responsibilities in (1) c.
- d. To indemnify, defend, and hold CITY and its officers, employees, and agents, harmless from and against any claims, demands, liability, damages, or costs to the extent that such claim, demand, liability, damage, or cost arises from or is caused by any negligent or wrongful act or omission of LACFCD or any of its officers, employees, agents, or

contractors, in connection with the performance of any of LACFCD'S duties under this AGREEMENT.

#### (3) IT IS MUTUALLY UNDERSTOOD AND AGREED AS FOLLOWS:

- a. If CITY fails to comply with any of the terms or conditions of this AGREEMENT, LACFCD may, in its sole discretion, terminate this AGREEMENT and provide CITY with a written notice to remove or seal off the Diversion Weir and/or the Diversion Line, and restore Project No. 481, Line B, to a condition similar to or better than the condition, which existed prior to installation of the Diversion Structure. If LACFCD provides CITY with such a notice, CITY shall obtain a construction permit from LACFCD prior to commencing any work and shall complete all work required to comply with the notice within ninety (90) days of the notice. If CITY fails to do so, LACFCD may, in its sole discretion, complete said work at the CITY'S expense.
- b. If LACFCD removes or seals off the Diversion Weir and/or the Diversion Line pursuant to Section (3)a. above, LACFCD shall submit a billing invoice to CITY indicating the costs and expenses reasonably incurred by LACFCD in connection with the removal or sealing off of said Diversion Weir and/or Diversion Line. The invoice will also include the costs for any work reasonably required to restore Project 481, Line B, to a condition similar to that which existed prior to installation of the Diversion Structure. CITY shall reimburse LACFCD all such costs and expenses within thirty (30) days of the billing invoice.
- c. This AGREEMENT may be modified only by the mutual written consent of both PARTIES.
- d. This AGREEMENT contains the complete and final understanding of PARTIES in connection with the subject matter herein and shall supersede any and all previous contemporaneous oral or written agreements between PARTIES regarding said subject matter.
- e. The provisions of this AGREEMENT shall be interpreted and enforced pursuant to the laws of the State of California.

 Any correspondence, communication, or contact concerning this AGREEMENT shall be directed to the following:

#### CITY:

Mr. Enrique C. Zaldivar
Director of Bureau of Sanitation
City of Los Angeles
Department of Public Works
1149 South Broadway, 9th Floor
Los Angeles, CA 90015

#### LACFCD:

Ms. Gail Farber Chief Engineer Los Angeles County Flood Control District P.O. Box 1460 Alhambra, CA 91802-1460

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In WITNESS WHEREOF, the PARTIES hereto have executed this AGREEMENT as of the dates of their respective signatures.

CITY OF LOS ANGELES, A municipal corporation

	Dv		
	Ву	Herb Wesson, President	_
ATTEST:			
Ву	_		
June A. Lagmay, City Clerk			
APPROVED AS TO FORM:			
CARMEN A. TRUTANICH City Attorney			
By			
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, A body corporate and politic			
ByChief Engineer	_		
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ATTEST:	
SACHI A. HAMAI Executive Officer of the Board of Supervisors of the County of Los Angeles	
Ву	
APPROVED AS TO FORM:	
MARK J. SALADINO County Counsel	
By	
PA:sw	
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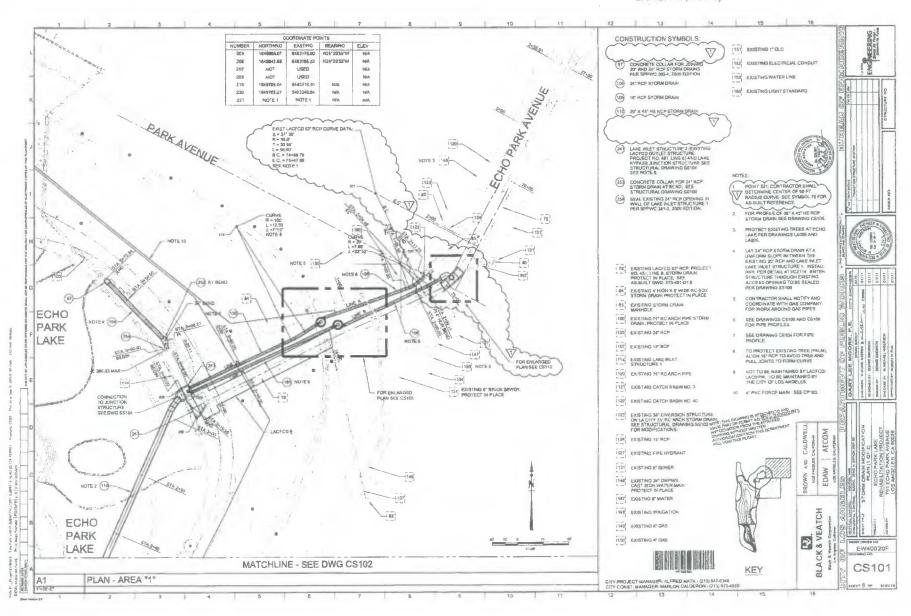
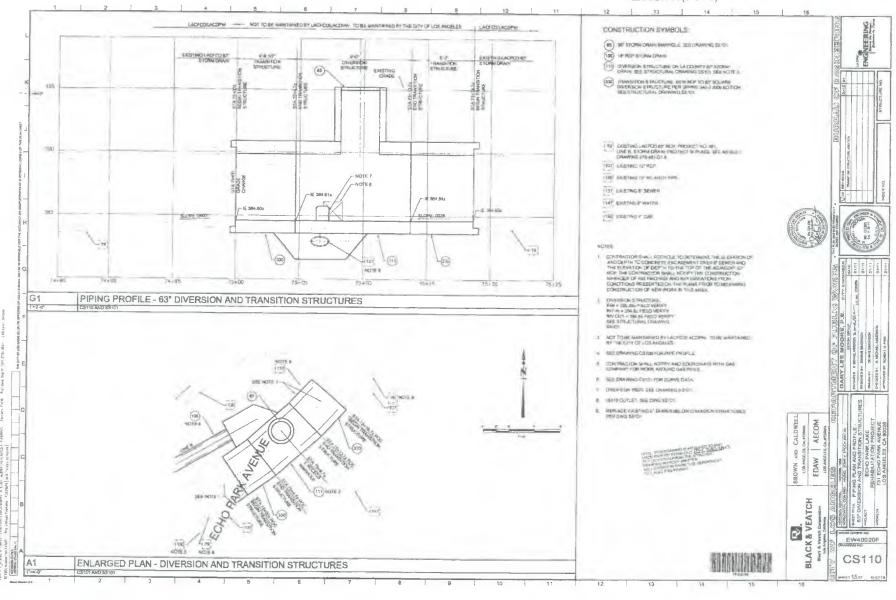
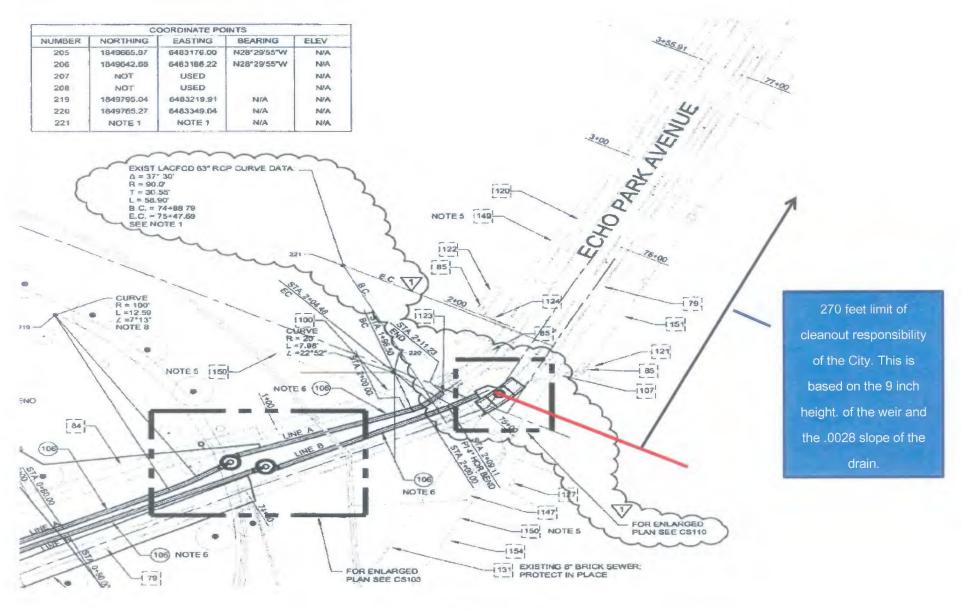


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EXHIBIT A (3 OF 3)





270 feet Cleanout limit

Exhibit B

### **LITY OF LOS ANGELES**

CALIFORNIA

Office of the CITY CLERK

JUNE LAGMAY City Clerk

HOLLY L. WOLCOTT **Executive Officer** 



Council and Public Services Room 395, City Hall Los Angeles, CA 90012 General information - (213) 978-1133 Fax: (213) 978-1040

www.cityclerk.lacity.org

December 8, 2010

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council file No. 10-1806, at its meeting held December 7, 2010.

City Clerk

COMMUNICATION

File No. 10-1806

FROM: COUNCILMEMBER JAN PERRY, CHAIR ENERGY AND ENVIRONMENT COMMITTEE

TO: THE COUNCIL OF THE CITY OF LOS ANGELES

FINAL ENVIRONMENAL IMPACT REPORT and COMMUNICATION FROM CHAIR, ENERGY AND ENVIRONMENT COMMITTEE relative to the Echo Park Lake Rehabilitation Project.

Recommendations for Council action:

- 1. CERTIFY that the Echo Park Lake Rehabilitation Project Final Environmental Impact Report (SCH 2009091036; EIR-10-024-BE), located in Council File No. 10-1806, complies with the California Environmental Quality Act (CEQA) and that the City Council has reviewed the information contained in the FEIR prior to approving the Project; that the FEIR reflects and expresses the City's independent judgment and analysis; and that the documents constituting the record of proceedings in this matter are in the custody of the City Clerk and in the files of the Department of Public Works, Bureau of Engineering (BOE).
- 2. ADOPT the CEQA Findings and Statement of Overriding Considerations, as attached to the Council file.
- APPROVE the Echo Park Lake Rehabilitation Project as described in the FEIR and attached to the Council File.
- 4. ADOPT the CEQA Mitigation Monitoring Program as attached to the Council File.

Fiscal Impact Statement: The Board of Public Works (Board) reports that the proposed Echo Park Lake Rehabilitation Project has a budget of approximately \$84,800,000. The funding is from the following sources: a) funding approved on February 21, 2007 by City Council in the amount of \$84,263,313 in Proposition O General Obligation Bond Funding (Council File No. 06-1235) for the project; and b) Proposition K funding in the amount of \$600,000, that was allocated for water quality improvements at Echo Park Lake.

Community Impact Statement: None Submitted

#### Summary:

On November 23, 2010, the Chair of the Energy and Environment Committee considered a November 15, Board report, FEIR, Findings and Statement of Overriding Considerations and Mitigation Monitoring Program relative to the Echo Park Lake Rehabilitation Project. According to the Board, in November 2004, the citizens of Los Angeles passed a \$500,000,000 Clean Water Bond Measure titled "Prop 0". The primary objective of all Prop 0 funded projects is to protect public health by cleaning up pollution in the City's watercourses, beaches, and the ocean. The State of California has identified Echo Park Lake (Lake) as an impaired water body with the following types of water quality issues: algae, ammonia, eutrophic conditions, copper, lead, odor, polychlorinated byphenyls, trash, and pH. The broad goals of the proposed Project are to improve the water quality conditions in the Lake and contribute to water quality improvements in the Los Angeles River Watershed, reduce use of municipal potable water, comply with the Regional Water Quality Control



Board's intent to restore the Lake's existing and potential beneficial uses, help meet Total Maximum Daily Load (TMDL) requirements passed by the Regional Water Quality Control Board and other water quality targets, and implement multi-purpose solutions at the Lake, consistent with the Prop 0 objectives of water supply, water quality, flood protection, water conservation, and recreation. Finally, the Project has the additional goal of meeting requirements of available funding sources, including Prop 0 and Prop K, which are instrumental in bringing the Project to fruition.

The project site is located within Echo Park at 751 Echo Park Avenue, an open space recreational facility owned and operated by the City of Los Angeles Department of Recreation and Parks. The City is proposing to implement in-lake improvements; vegetation, habitat and park improvements; and parkland structural best management practices (BMPs). The proposed improvements include a new Lake liner, approximately 4.2 acres of wetland vegetation, lotus bed restoration, a submerged partition berm to comply with California Department of Water Resources Division of Safety of Dams (DSOD) standards, a new Lake outlet structure, pump ho, use demolition and construction of a new pump house near the southeastern shore of the Lake, new Lake water recirculation and aeration systems, low-flow runoff diversion into the Lake with the goal of reducing the use of municipal potable water, and extension of a storm drain to convey flood waters away from the site during construction. Additional BMPs include hydrodynamic separators, rain gardens, and irrigation system upgrades. Other improvements to the park include new overlook and boardwalk areas, new lighting, path replacement around the perimeter of the Lake, site furnishings, interpretative signage, and relocation of the Lady of the Lake statue to its original location.

After further consideration and having provided an opportunity for public comment, the Committee Chair moved to recommend certification of the FEIR, Findings and Statement of Overriding Considerations, Mitigation Monitoring Plan and overall Project approval, as detailed in the above recommendations. This matter is now submitted to Council for its consideration.

Respectfully submitted,

COUNCILMEMBER JAN PERRY, CHAIR ENERGY AND ENVIRONMENT COMMITTEE

ADOPTED

DEC 07 2010

LOS ANGELES CITY COUNCIL

MEMBER VOTE
PERRY: YES
CÁRDENAS: ABSENT
ALARCÓN: ABSENT
ALARCÓN: ABSENT
KREKORIAN: ABSENT
KREKORIAN: ABSENT

ARL 11/23/10 10-1806\_rpt\_ee\_11-23-10

- Not Official Until Council Acts -